

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Applicants: Date: February 25, 2010
Beaman et al. Group Art Unit: 2829
Serial No.:09/ Examiner: J. M. Hollington
Filed: February 17, 1999 Docket No.: YOR91999088US1
For: STRUCTURAL DESIGN AND PROCESSES TO CONTROL PROBE
POSITION ACCURACY IN A WAFER TEST PROBE ASSEMBLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST
For
WITHDRAWAL OF
"Notice of Allowance and Issue Fee Due" dated 09/14/2009
and issuance of a second
"Notice of Allowance and Issue Fee Due."

Applicants request withdrawal of the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 of the above identified application and entry and consideration of the RCE request submitted on 02/09/2010. There is good and sufficient reason to enter the RCE request submitted on 02/09/2010 which was submitted subsequent to the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 and after the issue fee was paid on 12/14/2009. Applicants submitted a request that interference be declared on 08/21/2006 entitled "APPLICANT REQUESTS AN INTERFERENCE BE DECLARED UNDER 37 CFR 41.202," but did not receive a response to that request until after 12/14/2010 the last date by which the issue fee could be paid to avoid abandonment of the application. Prior to 12/14/2010 Applicants discussed the matter of not receiving a response to the request that interference be declared with Supervisory Examiner Ha Nguyen. Supervisory Examiner Ha Nguyen suggested that since Applicants did not receive a response to the request for declaration that interference be declared, they pay the issue fee to avoid abandonment and that she would request that the examiner examining the application, Examiner Hollington, withdraw the "Notice of Allowance and

Issue Fee Due" dated 09/14/2009, provide a response to the request that interference be declared dated 08/21/2006 and either have an interference declared or issue a second "Notice of Allowance and Issue Fee Due" with a response to the request that interference be declared dated 08/21/2006. This did not occur. Applicants receive a Supplemental Notice of Allowability dated 12/29/2009 which contains a response the request that an interference be declared. 08/21/2006 without a withdrawal of the "Notice of Allowance and Issue Fee Due" dated 09/14/2009. Applicants again discussed this with Supervisory Examiner Ha Nguyen after receiving the "Notice of Allowance and Issue Fee Due" dated 09/14/2009. Supervisory Examiner Ha Nguyen again told Applicants that she again requested Examiner Hollington to withdraw the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 and issue a second "Notice of Allowance and Issue Fee Due." As of submission of this petition this has not happened.

Applicants believe that this is good and sufficient reason to grant this request to grant to enter and consider the RCE request submitted on 02/09/2010.

Concurrently herewith Applicants are submitting a petition to withdraw this application from issuance and a second "Notice of Allowance and Issue Fee Due."

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

By: /Daniel P. Morris/
Dr. Daniel P. Morris, Esq.
Reg. No. 32,053
Phone No. (914) 945-3217

IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598